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UNCLAS KATHMANDU 001515

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E.O. 12958: N/A

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SUBJECT: Supreme Court Ruling Allows Dissolution of Parliament to Stand, Elections to Proceed

REF: A) Kathmandu 1146, B) Kathmandu 1005, C) Kathmandu

740 (NOTAL)

¶11. (SBU) Summary. On August 6, Nepal's Supreme Court threw out four petitions challenging the Prime Minister's May decision to dissolve Parliament. The court's decision cleared the way for national elections to be held later this year. End Summary.

Supreme Court Denies Request to Reinstate Parliament

¶12. (U) Nepal's Supreme Court on August 6 unanimously dismissed four separate petitions challenging the May 22 dissolution of the Lower House of Parliament (Ref A). A bench made up of eleven of the court's nineteen justices reached the decision after more than six weeks of deliberations. The plaintiffs had included 56 Nepali Congress Party Members of Parliament (MPs) aligned with former Prime Minister G.P. Koirala, and a group of five MPs from a small far-left party.

Precedent Rules

¶13. (U) In its ruling, the court drew on the precedent it set in 1994 when it upheld the decision of then-Prime Minister G.P. Koirala to dissolve the lower house. The 1994 decision paved the way for new national elections later that year. The court did, however, block subsequent attempts to dissolve parliament, under somewhat different circumstances, in both 1995 and 1998 (Ref C).

¶14. (SBU) As related in Ref A, legal experts had agreed that this time Prime Minister Deuba stood on firmer legal ground than the plaintiffs. Even so, until the final hour most observers were unsure which way the ruling would go. Immediately after the decision was announced, one prominent journalist commented that the court's strong ruling was meant as a signal to dissuade politicians from taking their political disputes to the bar.

Journalists Left Outdoors as Decision Released

¶15. (U) Local Nepali journalists were incensed after Supreme Court officials announced August 5 that no members of the press would be permitted to attend the session where the court's decision was released. Officials initially put off an Embassy request to attend the session, but called Poloff only two hours before it began to offer him a place. Most of the seats in the gallery were taken by court employees. A few local law students were also permitted to attend. A throng of journalists crowded the court grounds, where they could listen to the proceedings via loudspeaker.

Legal Path to Elections Clear

¶16. (SBU) The dismissal of the four petitions clears the way--legally speaking--for national elections scheduled for November this year. Substantial security, logistic and resource constraints remain, however. Further complicating matters, an August 5 meeting of Nepal's Cabinet decided to move ahead with preparations to hold local elections (for village, city and district level posts) within the current fiscal year, which ends July 15, 2003. Post, including USAID, will continue working with other donors to assess Nepal's needs in regard to both the national and local elections.

BOGGS